

REMARKS

Claims 22-93 are pending in the Application, and all have been rejected in the Office action mailed December 10, 2008. Claims 22, 32, 42, and 50 are amended by this response. Claims 22, 32, 42, 50, 58, 68, 78, and 86 are independent claims, while claims 23-31, 33-41, 43-49, 51-57, 59-67, 69-77, 79-85, and 87-93 depend from claims 22, 32, 42, 50, 58, 68, 78, and 86, respectively. Applicants respectfully request reconsideration of claims 22-93, in light of the following remarks.

The Applicants respectfully note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, **each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application**, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, **USPTO personnel should state all reasons and bases for rejecting claims in the first Office action**. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.**

M.P.E.P. §2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth "all reasons and bases" for rejecting the claims.

Objections to Claims

Claims 22-93 were objected to due to the use of the phrase "capable of". Applicants respectfully disagree with the requirement of the Office. Initially, Applicants respectfully note that in spite of the objection to all of claims 22-93, only claims 22 and

42 recite the phrase "capable of". Applicants have amended claims 22 and 42 as shown above to eliminate the use of the phrase "capable of", solely in response to the requirement of the Office, respectfully submit that the objection has been overcome, and request that the objection to claims 22-93 be withdrawn.

Objections to the Drawings

The drawings were objected to as failing to comply with 37 C.F.R. §1.83(a). The Office states that "...the processor in communication between conventional telephone switching network and packet network must be shown or the feature(s) canceled from the claim (s)." See Office action at pages 2-3.

Applicants respectfully note that the Office did not identify the claims in which the subject element appears. Applicants assume that the Office is referring to claims 22 and 42. Amended claim 22 recites, in part, "...the at least one processor operable to establish communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received;...." Amended claim 42 recites, in part, "...the at least one processor operable to establish voice communication between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received;...."

Applicants respectfully submit that support for the feature in question appears, for example, at pages 24 and 271-289, and at Figs. 55a, 56a, 56b, and 58 of the Application. For example, the Application discloses at pages 24 and 271 that Fig. 56 "...illustrates an embodiment of the conversion circuitry contained within a computer card 5601 which plugs into the computer 5515 of Fig. 55a." (emphasis added) The Application also teaches (see, e.g., page 271) that "...[t]hrough plugging the card 5601 into the host device, the control and data bus 5613 of the card becomes available to the host device's processing unit." In addition, the Application teaches that "computer card 5601" includes a "control processing circuit 5609". (see, e.g., Fig. 56a) Further, the Application teaches that "...when a computer card 5601 is placed into the access device 5509, the access device 5509 and the control processing circuit 5609 coordinate to service the routing of voice packets in a voice stream form through the

telephone switching network attached to the telephone line 5541." (see, e.g., page 277) Therefore, Applicants respectfully submit that, contrary to the assertion by the Office, the Drawings of the Application do show "...the processor in communication between conventional telephone switching network and packet network...." Applicants respectfully submit that the drawings also teach the features of claims 22 and 42, and that the drawings of the Application are in compliance with 37 C.F.R. §1.83(a). Therefore, for at least the reasons set forth above, Applicants respectfully submit that the objection to the drawings has been overcome, and respectfully request that the objection to the drawings be withdrawn.

Rejections of Claims

Rejections Under 35 U.S.C. §101

Claims 32-41, 50-57, 68-77, and 86-93 were rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of inventions. Applicants respectfully traverse the rejection.

With regard to independent claims 32 and 50, Applicants respectfully submit that Applicant has amended rejected independent claims 32 and 50 to recite, in part, "A method of operating a communication system supporting voice communication via a packet network...." Applicants respectfully submit that claims 32 and 50, as amended, are clearly tied to another statutory category (i.e., "a communication system") that accomplishes the claimed steps, and that claims 32 and 50, and any claims that depend therefrom, are in compliance with 35 U.S.C. §101.

With regard to independent claims 68 and 86, Applicants respectfully submit that rejected independent claims 68 and 86 presently recite, in part, "A method for operating at least one circuit for use in a telephony device...." Applicants respectfully submit that this claim is clearly tied to another statutory category (i.e., an article of manufacture) that accomplishes the claimed steps, and that claims 68 and 86, and any claims that depend therefrom, are in compliance with 35 U.S.C. §101.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that amended claims 32 and 50 and existing claims 68 and 86, and any claims that

depend therefrom, are in compliance with 35 U.S.C. §101, and respectfully request that the rejection of claims 32-41, 50-57, 68-77, and 86-93 under 35 U.S.C. §101 be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §112

Claims 22-93 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

The Office states, in part at pages 4-5, '...the examiner could not find support in the specification for "the at least one processor capable of establishing communication signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received" and "the at least one processor capable of refraining from establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is not received". If the applicant can find supports in the specification the examiner will withdraw the rejection. Similar issues occur in claims 32, 42, 50, 58, 68, 78, and 86.' Applicants respectfully note that claims 23-31, 33-41, 43-49, 51-57, 59-67, 69-77, and 79-86 were rejected because they depend on rejected claims. See Office action at page 5.

Applicants respectfully submit that support for these aspects of Applicants' claims 32, 42, 50, 58, 68, 78, and 86 may be found, at least, at pages 264-280, 285, 286, 298-301, and in Figs. 55a, 55b, 56a, and 59. For example, pages 264-271, 285-286 and Figs. 55b and 56a disclose the assistance provided to support communication of voice information between packet and conventional telephone switching networks, while pages 271-280 and 297-301 and Figs. 56a and 60 provide clear disclosure of "...establishing communication signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received...", and "...refraining from establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a

connection is not received...." Applicants respectfully submit that the portions of the Application identified above provide more than adequate support for the claim features identified by the Office, that claims 32, 42, 50, 58, 68, 78, and 86 are in compliance with 35 U.S.C. §112, first paragraph, and respectfully request that the rejection of independent claims 32, 42, 50, 58, 68, 78, and 86, and claims 23-31, 33-41, 43-49, 51-57, 59-67, 69-77, and 79-86 that depend, respectively, therefrom, be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §103

Claims 22, 23, 27, 31-33, 37, 41, 42, 45, 49, 50, 53, 57-59, 61, 63, 67-69, 71, 73, 77, 78, 81, 86, and 89 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy, III, et al. (US 5,734,981, hereinafter "Kennedy") in view of Focsaneanu, et al. (US 5,610,910, hereinafter "Focsaneanu"). Claims 24, 25, 28, 29, 34, 35, 38, 39, 43, 46, 47, 51, 54, 55, 60, 64, 65, 70, 74, 75, 79, 82, 83, 85, 87, 90, and 91 and 93 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Focsaneanu, and further in view of Henley, et al. (US 5,526,353, hereinafter "Henley"). Claims 26, 36, 44, 52, 62, 72, 80, and 88 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Focsaneanu, and further in view of Harland (US 4,706,242). Claims 30, 40, 48, 56, 66, 76, 84, and 92 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Focsaneanu and Henley, and further in view of Sharman (US 5,774, 854). Applicants respectfully traverse the rejections.

As an initial matter, Applicants respectfully submit that the Office has failed to set forth any response to Applicants' arguments filed August 18, 2008. Applicants respectfully submit that M.P.E.P. §707.07(f) states, in part:

In order to provide a complete application file history
and to enhance the clarity of the prosecution history record,
an examiner **must** provide clear explanations of all actions
taken by the examiner during prosecution of an application.

(emphasis added)

M.P.E.P. §707.07(f) goes on to state, in part:

If applicant's arguments are persuasive and upon reconsideration of the rejection, the examiner determines that the previous rejection should be withdrawn, the examiner **must** provide in the next Office communication the reasons why the previous rejection is withdrawn by referring specifically to the page(s) and line(s) of applicant's remarks which form the basis for withdrawing the rejection. It is not acceptable for the examiner to merely indicate that all of applicant's remarks form the basis for withdrawing the previous rejection. Form paragraph 7.38.01 may be used. If the withdrawal of the previous rejection results in the allowance of the claims, the reasons, which form the basis for the withdrawal of the previous rejection, may be included in a reasons for allowance. See MPEP § 1302.14.

(emphasis added)

Applicants respectfully submit that it is clear that Applicants' arguments were persuasive to at least some extent, in that the rejections of the instant Office action now rely upon different combinations of the old and new art. Applicants respectfully note that the Office does continue to rely primarily upon Kennedy. Applicants further respectfully submit that the Office has not provided "...clear explanations of all actions taken by the examiner during prosecution of an application...", nor has the Office provided the "...reasons why the previous rejection is withdrawn by referring specifically to the page(s) and line(s) of applicant's remarks which form the basis for withdrawing the rejection...", as required by M.P.E.P. §707.07(f). Indeed, the Office has failed to even mention Applicants' arguments of August 18, 2008.

Therefore, Applicants respectfully request that any subsequent Office action, should one be issued, fully address Applicants' arguments in accordance with 37 C.F.R. §1.104 and M.P.E.P. §707.07(f), in all detail.

Applicants respectfully note that all rejections of the instant Office action are for alleged reasons of obviousness.

M.P.E.P. §2142 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the

analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

In addition, M.P.E.P. §2142 notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (emphasis added) *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." (emphasis added) *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Further, M.P.E.P. §2142 states, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." (emphasis added)

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142, for at least the reasons set forth during prosecution, and those that follow.

I. The Proposed Combination Of Kennedy And Focsaneanu Does Not Render Claims 22, 23, 27, 31-33, 37, 41, 42, 45, 49, 50, 53, 57-59, 61, 63, 67-69, 71, 73, 77, 78, 81, 86, And 89 Unpatentable

Claims 22, 23, 27, 31-33, 37, 41, 42, 45, 49, 50, 53, 57-59, 61, 63, 67-69, 71, 73, 77, 78, 81, 86, and 89 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Focsaneanu.

As an initial matter, Applicants respectfully submit that the Office rejects all of claims 22, 32, 42, 50, 58, 68, 78, and 86 on the same grounds. Applicants respectfully

note that rejected claims 22, 32, 42, 50, 58, 68, 78, and 86 do not recite exactly the same features, and that the rejection does not address all of the features of all of claims 22, 32, 42, 50, 58, 68, 78, and 86.

With regard to independent claim 22, Applicants respectfully submit that claim 22 has been amended to recite "...[a] system supporting voice communication via a packet network, the system comprising: at least one processor operable to receive, via the packet network, a message requesting setup of a voice call, the message comprising a destination address; the at least one processor operable to send, via a conventional telephone switching network link, signals based upon the destination address requesting setup of the voice call; the at least one processor operable to receive, via the conventional telephone switching network link, signals representing call status; the at least one processor operable to establish communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received; and the at least one processor operable to refrain from establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is not received." Applicants respectfully submit that the cited art fails to teach all of the features of Applicants' claim 22.

The Office states, at page 6, that Kennedy discloses "...A system supporting voice communication via a packet network, the system comprising : at least one processor capable of receiving (fig.1, element 18), via a conventional telephone switching network link (the link between 38 and 18, also col.6, lines 6-14, platform 18 receives a call for mobile unit 18 from unit 36) a message requesting setup of a voice call (col.6, lines 6-14, platform 18 receives a call for mobile unit 18 from unit 36), the message comprising a destination address (col.6, lines 6-14, platform 18 receives a call for mobile unit 18 from unit 36, the received request includes a phone number);...." Applicants respectfully disagree.

Initially, Applicants respectfully submit that the combination of features addressed in the rejection of claims 22, 32, 42, 50, 58, 68, 78, and 86 does not appear

in any of claims 22, 32, 42, 50, 58, 68, 78, and 86. For example, the Office states that Kennedy discloses "...receiving..., via a conventional telephone switching network link ... a message requesting setup of a voice call ..., the message comprising a destination address;..." Applicants respectfully submit that none of rejected claims 22, 32, 42, 50, 58, 68, 78, and 86 recited this combination of elements at the time of examination. Applicants respectfully request that the Office identify from where the identified claim language was taken. While the individual claim elements shown above may appear in various locations in claims 22, 32, 42, 50, 58, 68, 78, and 86, Applicants respectfully submit that it is not sufficient to simply identify elements of a claim in isolation, but that the structural and operational relationship of the elements of a claim must also be taught by the references. Applicants respectfully submit that the Office cannot support a *prima facie* case of obviousness over any of Applicants' claims 22, 32, 42, 50, 58, 68, 78, and 86 by arguing that the proposed combination of references teaches language that does not appear in any of Applicants' claims.

Applicants first address cited "element 18" of Fig. 1 of Kennedy. Applicants respectfully submit that "element 18" of Fig. 1 of Kennedy is "platform 18" and that Fig. 1 fails to teach or suggest details of the nature of the communication link connecting "PSTN 38" and "platform 18". Applicants respectfully submit that there is nothing in Fig. 1 that teaches that the communication link between "PSTN 38" and "platform 18" is "a packet network", or that "platform 18" is "...operable to receive, via the packet network, a message requesting setup of a voice call, the message comprising a destination address;...", in accordance with Applicants' claim 22. For at least these reasons, Applicants respectfully submit that "element 18" of Fig. 1 of Kennedy does not teach or suggest at least this aspect of Applicants' claim 22. Applicants now address the cited portion of Kennedy at column 6, lines 6-14, which is shown below:

Platform 18 receives a call for mobile unit 12 from a variety of sources. The call can originate from a caller 36 of the public switched telephone network (PSTN) 38. PSTN 38 includes the traditional land-line telephone network and the network of cellular telephone systems. Using PSTN 38, caller 36 directs the call to platform 18 by inputting a traditional telephone number associated with platform 18 or

mobile unit 12. In one embodiment, caller 36 inputs a 1+800 number to connect to platform 18.

The cited portion of Kennedy shown above simply teaches that a call to "mobile unit 12" may originate from a "caller 36" on "PSTN 38", and that "caller 36" directs the call to "platform 18" by inputting a traditional telephone number. There is no mention of a "packet network" connecting "PSTN 38" and "platform 18", or of a message passing over a "packet network", or of a message "requesting setup of a voice call", or of "a message requesting setup of a voice call", where the message comprises "a destination address", as recited by Applicants' claim 22. Applicants respectfully submit that the cited portion of Kennedy at column 6, lines 6-14 does not teach or suggest at least these aspects of Applicants' claim 22. Applicants respectfully note that the Office identifies only Kennedy in this regard, and only at Fig. 1 and column 6, lines 6-14. The Office does not assert that Focsaneanu teaches or suggests these features of Applicants' claim 22. Therefore, Applicants respectfully submit that the proposed combination of Kennedy and Focsaneanu cannot teach or suggest at least these aspects of Applicants' claim 22, and that the proposed combination of references does not render claim 22 unpatentable, for at least this additional reason.

The Office also states that Kennedy discloses "...the at least one processor capable of sending, via a different communication network (20) (fig.1, 18 initiates a voice call through network 20), signals based upon the destination address requesting setup of the voice call (the call is initiated based on the request received from 36 through the conventional network);...." See Office action at page 6. Applicants respectfully note that the Office has chosen to substitute the phrase "a different communication network (20)" for Applicants' claim language "a conventional telephone switching network link". Applicants respectfully submit that cited "element 20" of Kennedy is identified by Kennedy as a "mobile voice communication network 20". See *id.* at column 3, lines 22-23. Applicants further respectfully note that Kennedy states that "Platform 18 delivers a call to mobile unit 12 over mobile voice communication network 20 using the call delivery information." (emphasis added) See column 3, lines 25-27. Applicants respectfully submit that Fig. 1 of Kennedy provides no details of the

nature of the connection between "platform 18" and "mobile voice communication network 20", and certainly does not teach or suggest that the "platform 18" is operable to "...send, via a conventional telephone switching network link, signals based upon the destination address requesting setup of the voice call:", as recited by Applicants' claim 22. Instead, as noted above, Kennedy simply states that "platform 18" of Fig. 1 "...delivers a call to mobile unit 12 over mobile voice communication network 20 using the call delivery information." Applicants respectfully submit that the Office cites only elements of Fig. 1 of Kennedy in this regard, and fails to assert that Focsaneanu teaches or suggest these aspects of claim 22.

Applicants appreciate recognition by the Office that Kennedy does not disclose that "...the different network is a packet network." See Office action at page 7. The Office then relies on Focsaneanu and states that "Focsaneanu ... discloses communication between a conventional network and a packet network..." Applicants respectfully submit that this admission is inconsistent with the prior assertion by the Office in which the Office substituted the phrase "a different communication network (20)" for Applicants' claim language "a conventional telephone switching network link". Applicants respectfully submit that a "packet network" is quite different from a "conventional telephone switching network link" as claimed. While the Office relies on Focsaneanu in this regard, the Office does not identify where Focsaneanu teaches all of the deficiencies identified above. Therefore, Applicants respectfully submit that the Office has not demonstrated that the proposed combination of references teaches or suggests, at least, "...the at least one processor operable to send, via a conventional telephone switching network link, signals based upon the destination address requesting setup of the voice call;...", and that the proposed combination Kennedy and Focsaneanu does not render claim 22 unpatentable, for at least this additional reason. Further, the Office makes the conclusory statement that "...it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the network of Focsaneanu and Kennedy for the purpose of extending network range and allowing more diverse network and capabilities to be offered." See Office action at page 8. The Office fails to provide any explanation of how the proposed combination results in the

goal recited as the motivation, and while somewhat specific, the Office also fails to identify support for the stated motivation for the combination within the cited prior art.

The Office asserts that Kennedy discloses "...the at least one processor capable of receiving, via the conventional telephone switching network link, signals representing call status (col.6, lines 49-54, platform 18 provides all the features known by central office or mobile telecommunication switching office, which include call status);..." See Office action at page 6. Applicants respectfully disagree. The Office cited only Kennedy, and only at column 6, lines 49-54 as teaching this aspect of Applicants' claim 22. Applicants now address the cited portion of Kennedy, which is shown below underlined in context:

It should be understood that the present invention contemplates integration of the components and functionality of platform 18, home switch 42, and switch 48. In particular, platform 18 can be integrated or associated with home switch 42, and operate to receive and store call delivery information reports for later retrieval by home switch 42. Platform 18 can also implement other more advanced telecommunications features, such as those offered by a central office (CO) or mobile telecommunications switching office (MTSO) of PSTN 38. Call delivery system 10 supports calls placed to mobile unit 12 from a variety of callers 36, 40, and 44, collectively represented by an exemplary caller 36, using a variety of communications technology. Furthermore, platform 18 itself can initiate calls to mobile unit 12.

(emphasis added)

The cited portion of Kennedy simply teaches that "platform 18" can also implement other more advanced telecommunication features, such as those offered by a "central office (CO)" or "mobile telecommunications switching office (MTSO)" of "PSTN 38." No information is set forth as to what "signals" might be received, from which element, or over what communication path. Applicants respectfully submit that Kennedy provides no information about what those "other more advanced telecommunication features" include, and that a mere mention of "other more advanced telecommunication features" does not teach or suggest "...the at least one processor operable to receive, via the conventional telephone switching network link, signals representing call status;..." as claimed. Therefore, Applicants respectfully submit that

the Office has not shown how and why Focsaneanu overcomes the admitted shortcomings of Kennedy, and that the proposed combination of Kennedy and Focsaneanu does not teach, suggest, or otherwise render obvious, at least, Applicants feature "...the at least one processor operable to receive, via the conventional telephone switching network link, signals representing call status;...", as claimed. Applicants respectfully submit that the proposed combination of references fails to render claim 22 unpatentable, for at least this additional reason.

The Office also states that Kennedy discloses "...the at least one processor capable of establishing communication of signals representative of voice between the different communication network and the conventional telephone switching network link, if call status indicating establishment of a connection is received (the purpose of platform 18 is to connect 12 to any of the other phone devices);..." See Office action at pages 6-7. Applicants respectfully disagree. Initially, Applicants respectfully note that the Office has failed to provide any support from Kennedy for the rejection of this aspect of Applicants' claim 22. Indeed, the Office later admits that Kennedy does not disclose "...establishing a connection between a different communication network device and a conventional network device, where the call is initiated by the different communication network device." See Office action at page 7. However, the Office then offers only the conclusory statement "...However, at the time of the invention, it would have been obvious to an ordinary person of skill in the art to provide Kennedy with receiving call establishment message from different communication network device and directed to a conventional network device for the purpose of providing efficient services to customers within different network providers and architectures." See Office action at page 7. The Office fails to identify any teachings in either Kennedy or Focsaneanu as support for this assertion. Applicants respectfully submit, as noted above, that the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Therefore, Applicants respectfully submit that the Office has not shown how and why the proposed combination of references teaches or suggests Applicants claim 22 feature "...the at least one processor operable to establish communication of signals representative of

voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received;...", and that the Kennedy and Focsaneanu references, taken alone or in combination, do not render Applicants claim 22 unpatentable, for at least this additional reason.

In addition, the Office states that Kennedy discloses "...the at least one processor capable of refraining from establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is not received (col.6, lines 49-54, platform 18 provides all the features known by central office or mobile telecommunication switching office, which include tear down and busy signals that indicate that the intended destination can not establish a connection due to an off-hook situation or similar)." See Office action at page 7. Applicants again respectfully disagree. Applicants have previously addressed the cited portion of Kennedy, and will not reproduce that portion again here.

As previously noted, the cited portion of Kennedy simply teaches that "platform 18" can also implement other more advanced telecommunication features, such as those offered by a "central office (CO)" or "mobile telecommunications switching office (MTSO)" of "PSTN 38." No information is set forth as to what "signals" might be received, from which element, or over what communication path. Applicants respectfully submit that Kennedy provides no information about what those "other more advanced telecommunication features" include, and that a mere mention of "other more advanced telecommunication features" does not teach or suggest "...the at least one processor operable to receive, via the conventional telephone switching network link, signals representing call status;..." as claimed. Therefore, Applicants respectfully submit that Focsaneanu fails to overcome the admitted shortcomings of Kennedy, and that the proposed combination of Kennedy and Focsaneanu does not teach, suggest, or otherwise render obvious, at least, Applicants feature "...the at least one processor operable to refrain from establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is not received;...", as claimed.

Applicants respectfully submit that the proposed combination of Kennedy and Focsaneanu fails to render Applicants' claim 22 unpatentable, for at least this additional reason.

Based at least upon the above, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142, and that claim 22 is allowable over the proposed combination of Kennedy and Focsaneanu. Applicants respectfully submit that claims 23-31 depend from allowable claim 22, and are also allowable over the proposed combination of references, for at least the reasons set forth above. Accordingly, Applicants respectfully request that the rejection of claims 22, 23, 27, and 31 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to independent claims 32, 42, 50, 58, 68, 78, and 86, Applicants respectfully submit that claims 32, 42, 50, 58, 68, 78, and 86 are rejected for the same reasons set forth for the rejection of claim 22. Applicants respectfully submit that claims 32, 42, 50, 58, 68, 78, and 86 do not recite the same set of features of claim 22. To the extent that claims 32, 42, 50, 58, 68, 78, and 86 recite aspects recited by claim 22, Applicants respectfully submit that claims 32, 42, 50, 58, 68, 78, and 86 are allowable for at least the reasons set forth above with respect to claim 22. To the extent that claims 32, 42, 50, 58, 68, 78, and 86 recite features different from claim 22, Applicants respectfully submit that the Office has not addressed those differences, has not established a *prima facie* case of obviousness with regard to those features, and that claims 32, 42, 50, 58, 68, 78, and 86 are allowable for at least this additional reason. Further, Applicants respectfully submit that claims 33-41, 43-49, 51-57, 59-67, 69-77, 79-85, and 87-93 which depend, respectively, from independent claims 32, 42, 50, 58, 68, 78, and 86, are also allowable over the proposed combination of Kennedy and Focsaneanu, for at least the reasons set forth above. Accordingly, Applicants respectfully request that the rejections of claims 32, 33, 37, 41, 42, 45, 49, 50, 53, 57, 58, 61, 63, 67, 68, 71, 73, 77, 78, 81, 85, 86, and 89 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II. The Proposed Combinations Of Kennedy, Focsaneanu, Henley, Harland, And Sharman Do Not Render Claims 24-26, 28-30, 34-36, 38-40, 43, 44, 46-48, 51, 52, 54-56, 60, 62, 64-66, 70, 72, 74-76, 79, 80, 82-85, 87, 88, And 90-93 Unpatentable

Claims 24-26, 28-30, 34-36, 38-40, 43, 44, 46-48, 51, 52, 54-56, 60, 62, 64-66, 70, 72, 74-76, 79, 80, 82-85, 87, 88, and 90-93 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy and Focsaneanu, in various combinations with Henley, Harland, and Sharman. Applicants respectfully submit that independent claims 22, 32, 42, 50, 58, 68, 78, and 86 are allowable over the proposed combinations of Kennedy, Focsaneanu, Henley, Harland, and Sharman, in that the Office has failed to show where Henley, Harland, and Sharman, alone or in combination, remedy the deficiencies of Kennedy and Focsaneanu set forth above. Because independent claims 22, 32, 42, 50, 58, 68, 78, and 86 are allowable over the proposed combinations of references, Applicants respectfully submit that dependent claims 33-41, 43-49, 51-57, 59-67, 69-77, 79-85, and 87-93 are allowable as well, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 24-26, 28-30, 34-36, 38-40, 43, 44, 46-48, 51, 52, 54-56, 60, 62, 64-66, 70, 72, 74-76, 79, 80, 82-85, 87, 88, and 90-93 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-93 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000. If the Examiner maintains his rejections, the Applicants hereby respectfully request an interview with the Examiner.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Dated: March 18, 2009

By /Kevin E. Borg/
Kevin E. Borg
Reg. No. 51,486

McAndrews, Held & Malloy, Ltd.
500 West Madison Street
34th Floor
Chicago, Illinois 60661
(312) 775-8000